

**EXHIBITS TO DEFENDANT CHILDHOOD LEUKEMIA FOUNDATION  
INC.'S ANSWER TO PLAINTIFF'S COMPLAINT, AFFIRMATIVE  
DEFENSES, COUNTERCLAIM AND JURY DEMAND**

Exhibit A	Charity Navigator List of Charities performing Similar Types of Work
Exhibit B	Forbes
Exhibit C	Gigaom
Exhibit D	USPTO, Registration No. 2169459, available at <a href="http://www.uspto.gov">www.uspto.gov</a>
Exhibit E	<a href="http://leukemiamichigan.org/wp-content/uploads/2010/01/Childhood-Leukemia-Foundation-Letter-2015.pdf">http://leukemiamichigan.org/wp-content/uploads/2010/01/Childhood-Leukemia-Foundation-Letter-2015.pdf</a>
Exhibit F	Complaint regarding telephone number 248-429-4201

# **EXHIBIT A**



**CHARITY NAVIGATOR**  
Your Guide To Intelligent Giving

Welcome, karen | My Account | Sign out | 0 Donation(s), \$0.00 total

[My Charities](#) [Top Ten Lists](#) [Hot Topics](#) [Tips for Donors](#) [Methodology](#) [Donate to CN](#)

enter charity name, keywords, or EIN

Name Only   | [Advanced](#) | [A-Z Directory](#) | [4-Star Charities](#)

### Charity Rating

**Childhood Leukemia Foundation**  
807 Mantoloking Road  
Suite 202  
Brick, NJ 08723  
tel: (888) 253-7109  
fax: (732) 920-8859  
EIN: 52-1825483

[Contact Email](#)  
[Visit Web Site](#)

### CEO

**Barbara Reid-Haramis**  
Executive Director

[Give From Your Donor Advised Fund](#)

Health : Diseases, Disorders, and Disciplines

## Childhood Leukemia Foundation

Lifting spirits

[Add to My Charities](#) [Donate to this charity](#) [Print](#) [SHARE](#)

[Current Rating](#) [Programs](#) [History](#) [IRS \(Forms 990\)](#) [Comments \(\)](#)

	Score (out of 100)	Rating FYE 12/2014
<b>Overall</b>	28.49	0 Stars
Financial	0.00	0 Stars
Accountability & Transparency	85.00	3 Stars



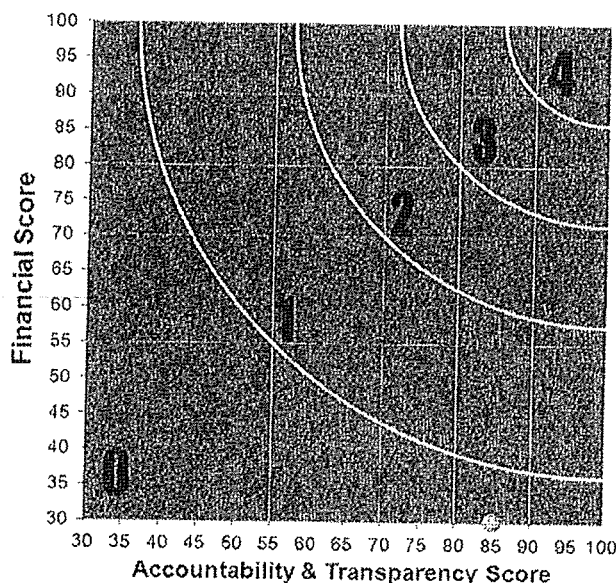
[What is this?](#)

Donate now from

--Please select--

Amount

\$



[Learn more about how we calculate the overall score and rating](#)

### Financial Performance Metrics

Program Expenses

(Percent of the charity's total expenses spent on the programs and services it delivers)

21.9%

Administrative Expenses

5.3%

Fundraising Expenses	72.6%
Fundraising Efficiency	\$0.75
Primary Revenue Growth	19.3%
Program Expenses Growth	7.6%
Working Capital Ratio (years)	0.18

**Accountability & Transparency Performance Metrics****Information Provided on the Form 990**

Independent Voting Board Members	<input checked="" type="checkbox"/>
No Material diversion of assets	<input checked="" type="checkbox"/>
Audited financials prepared by independent accountant	<input checked="" type="checkbox"/>
Does Not Provide Loan(s) to or Receive Loan(s) From related parties	<input checked="" type="checkbox"/>
Documents Board Meeting Minutes	<input checked="" type="checkbox"/>
Provided copy of Form 990 to organization's governing body in advance of filing	<input checked="" type="checkbox"/>
Conflict of Interest Policy	<input checked="" type="checkbox"/>
Whistleblower Policy	<input checked="" type="checkbox"/>
Records Retention and Destruction Policy	<input checked="" type="checkbox"/>
CEO listed with salary	<input checked="" type="checkbox"/>
Process for determining CEO compensation	<input checked="" type="checkbox"/>
Board Listed / Board Members Not Compensated	<input checked="" type="checkbox"/>

**Is the following information easily accessible on the charity's website?**

Donor Privacy Policy	<input checked="" type="checkbox"/>
Board Members Listed	<input checked="" type="checkbox"/>
Audited Financials	<input checked="" type="checkbox"/>
Form 990	<input checked="" type="checkbox"/>
Key staff listed	<input checked="" type="checkbox"/>

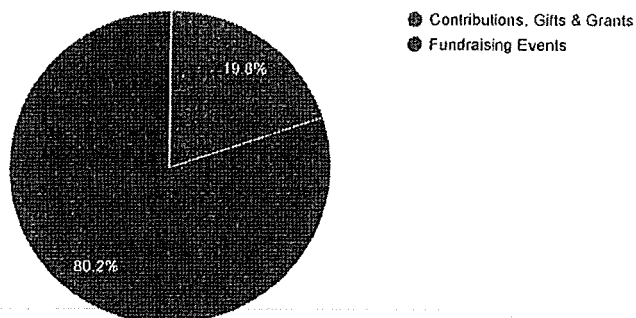
**Income Statement (FYE 12/2014)****REVENUE****Contributions**

Contributions, Gifts & Grants	\$1,110,532
Federated Campaigns	\$0
Membership Dues	\$0
Fundraising Events	\$4,511,533
Related Organizations	\$0
Government Grants	\$0
<b>Total Contributions</b>	<b>\$5,622,065</b>

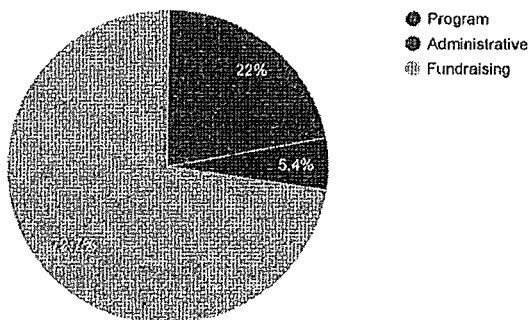
Program Service Revenue	\$0
<b>Total Primary Revenue</b>	<b>\$5,622,065</b>
Other Revenue	\$9,927
<b>TOTAL REVENUE</b>	<b>\$5,631,992</b>
<b>EXPENSES (Adjusted)</b>	
Program Expenses	\$1,280,451
Administrative Expenses	\$313,535
Fundraising Expenses	\$4,237,531
<b>TOTAL FUNCTIONAL EXPENSES</b>	<b>\$5,831,517</b>
Payments to Affiliates	\$0
Excess (or Deficit) for the year	\$-199,525
Net Assets	\$1,100,778

Charts

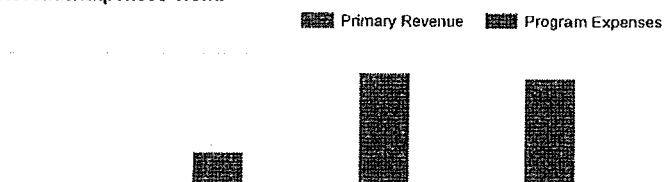
Contributions Breakdown



Expenses Breakdown



Revenue/Expenses Trend



#### Compensation of Leaders (FYE 12/2014)

Compensation	% of Expenses	Paid to	Title
\$182,559	3.13%	Barbara Reid-Haramlis	Executive Director

#### Mission

Founded in 1992, the mission of the Childhood Leukemia Foundation (CLF) is to lift the spirit and enhance the quality of life of children suffering with cancer. Our goal is to make sure children battling cancer know they are not alone. All of our programs have been designed to: educate and entertain; provide a sense of physical normalcy and help raise self esteem; encourage physical participation and therapeutic play; maintain a communications lifeline; and provide care management tools. CLF works with more than 140 specialized treatment centers. The organization serves over 15,000 children nationwide with free program and service offerings for childhood cancer patients and their families.5

#### Charities Performing Similar Types of Work

##### Highly Rated

Charity Name & State	Overall Score	Overall Rating
Childhood Leukemia Foundation (NJ)	28.49	C
Colon Cancer Alliance (DC)	92.65	A+
Caring for Carcinoid Foundation (MA)	87.64	A
Skin Cancer Foundation (NY)	91.80	A+
Melanoma Research Foundation (DC)	92.81	A+

[Compare These Charities \(Highly Rated\)](#)

##### Most Viewed

Charity Name & State	Overall Score	Overall Rating
Childhood Leukemia Foundation (NJ)	28.49	C
American Cancer Society (GA)	76.70	B
The Leukemia & Lymphoma Society (NY)	84.09	A-
The V Foundation (NC)	97.06	A+
Pancreatic Cancer Action Network (CA)	96.84	A+

[Compare These Charities \(Most Viewed\)](#)

#### Charity Login

Are you the representative for this organization? If so, click here to access the application form. As an official representative you will have the ability to update some of the information on this page.

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Mission  
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Spotlight on Charity Navigator's Founders  
Advisory Panel  
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Endorsements  
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Effectiveness & Results  
Annual Report

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139 Harristown Rd Suite 101  
Glen Rock, NJ 07452  
P: 201.818.1288  
F: 201.818.4694

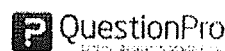
### Join Our Online Community



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STRATEGIC PARTNERS



# **EXHIBIT B**



**Forbes**

<http://onforb.es/1ldnOsH>



Eric Goldman Contributor

*I write about Internet law, intellectual property and advertising law*

Opinions expressed by Forbes Contributors are their own.

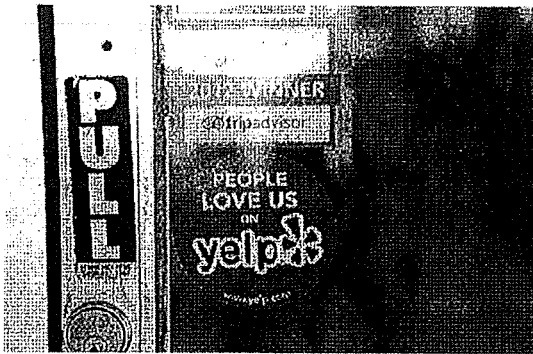
TECH 7/30/2014 @ 11:15AM 5,418 views

## Does Yelp Have The 'Most Trusted Reviews'? A Court Wants To Know More

Few online algorithms generate as much criticism as Yelp's algorithm for filtering its users' reviews, but Yelp has so far successfully avoided a serious legal challenge to its filter. Last week, a California appellate court green-lighted a lawsuit over how Yelp publicly describes its user reviews. This means a judge may look more closely into the prevalence of fake reviews on Yelp and the operation of Yelp's filtering algorithm.

### What Happened

James Demetriades owns the restaurants Jimmy's Taverna, Rafter's, and Red Lantern in Mammoth Lakes, California. He didn't like the way Yelp's review filter handled users' reviews of his restaurant. For example, he alleged the Yelp filter screened out nearly half of the reviews on one of his restaurants, and it didn't filter a review that allegedly contained false statements.



*"People Love Us On Yelp"—But Are They Real People? (Photo credit: planetic)*

Based on a law Congress enacted in 1996, 47 USC 230 (Section 230), Yelp isn't legally liable for its users' reviews, even reviews that Yelp knows are fake. Section 230 also makes clear that Yelp isn't liable for filtering reviews it deems objectionable, even if its filter makes mistakes. To avoid Section 230, Demetriades instead sued Yelp's marketing descriptions of its filter algorithm, including the

following statements:

- “ 1. “Yelp uses a filter to give consumers the most trusted reviews”;
2. “All reviews that live on people’s profile pages go through a remarkable filtering process that takes the reviews that are the most trustworthy and from the most established sources and displays them on the business page. This keeps the less trustworthy reviews out so that when it comes time to make a decision you can make that [decision] using information and insights that are actually helpful”;
3. “Rest assured that our engineers are working to make sure that whatever is up there is the most unbiased and accurate information you will be able to find about local businesses”;
4. “Yelp is always working to do as good a job as possible on a very complicated task—only showing the most trustworthy and useful content out there”;
5. “Yelp has an automated filter that suppresses a small portion of reviews—it targets those suspicious ones you see on other sites.”

To me, this language sounds like typical marketing hype, or puffery, which isn’t legally actionable. The appellate court disagreed, concluding that Yelp made “specific and detailed statements intended to induce reliance” and spoke “with the authority of a website that intends to attract users with the accuracy of its filter.”

The lower court rejected Demetriades’ lawsuit as a “SLAPP,” or a lawsuit designed to suppress socially beneficial speech. California has a strong anti-SLAPP law that weeds out bad lawsuits early; it’s like a fast lane for cases we don’t want in the court system. The appellate court held Demetriades’ lawsuit wasn’t a SLAPP because Yelp’s statements about its review filter fit into a statutory exception for “commercial speech,” such as advertising. The court says:

- “ Yelp’s statements about its review filter—as opposed to the content of the reviews themselves—are commercial speech about the quality of its product (the reliability of its review filter) intended to reach third parties to induce them to engage in a commercial transaction (patronizing Yelp’s website, which patronage induces businesses on Yelp to purchase advertising).

The appellate ruling doesn’t mean that Yelp will be liable for its descriptions of its review filter. The appellate court simply revived the case and sent it back to the lower court to begin a normal judicial process. Still, this is a dispiriting loss for Yelp. It gives more fuel to Yelp’s algorithm-haters and revives a lawsuit that poses some risk to Yelp.

Yelp sent me the following statement:

“ It’s important to note that the court did not classify Yelp’s use of its recommendation software as “commercial speech”—indeed, the court reaffirmed that Yelp’s actions to protect consumers through the use of automated recommendation software were not impacted by its decision. Yelp’s use of its recommendation software is protected under federal law, as has been repeatedly affirmed by federal and state courts nationwide. This opinion does nothing to impact those decisions.

Rather, the court analyzed five statements that Yelp made about its software, as part of a longer video previously posted on Yelp. While the court did not determine that any of these statements was a misrepresentation, it did find that the statements fell within the commercial speech exception to the anti-SLAPP statute. The trial court had found each of these statements to be mere statements of opinion that do not fall within the commercial speech exception.

This action was part of a larger effort by the plaintiff, a self-described multimillionaire and developer, to target critics of his restaurant and to suppress negative reviews on Yelp. We believe the Court did not reach the right result, and we are evaluating our next steps.

## Implications

*Proxy battle.* Demetriades’ real target appears to be Yelp’s users reviews on his restaurants, but his lawsuit claims Yelp falsely advertising its own services. I call lawsuits like this “proxy battles” where false advertising is being pursued as a proxy for some other underlying concern. Demetriades can’t directly address his problem with the reviews directly due to Section 230, so false advertising is the best available alternative (even if it’s a poor substitute). Courts often don’t handle proxy battles well because false advertising laws are being asked to address a problem they weren’t designed to address. As a result, proxy battles are unpredictable and doctrinally messy.

*Section 230.* Section 230 provides ample protection against Yelp’s liability for its user reviews or the operation of its filter. The appellate court said Section 230 doesn’t apply to Demetriades’ false advertising claims because:

“ Nowhere does plaintiff seek to enjoin or hold Yelp liable for the statements of third parties (i.e., reviewers) on its website. Rather, plaintiff seeks to hold Yelp liable for its own statements regarding the accuracy of its filter.

The court’s distinction may sound logical, but it’s problematic in practice. First, some courts have applied Section 230 to protect against advertising

claims when those claims are rendered false due to users' activities. For example, in 2010, a Texas court held that Section 230 protected a website for claimings that its site content was "accurate" even though user-supplied content was allegedly false. Second, we've seen numerous cases where plaintiffs have sought an "end-run" around Section 230 by suing over the site's marketing language. This ruling gives plaintiffs further incentives to pick apart review websites' marketing and explanatory disclosures for anything that might possibly be inaccurate, and the cumulative effect of those lawsuits threatens to undermine Section 230.

*Implications for federal anti-SLAPP law.* Yelp has been lobbying for a federal anti-SLAPP law (something I favor as well). I imagine Yelp will study this ruling carefully to ensure that any proposed federal legislation provides it with adequate coverage.

*Can review websites ever promise trustworthy reviews?* In 2012, the UK Advertising Standards Authority "told TripAdvisor not to claim or imply that all the reviews that appeared on the website were from real travellers, or were honest, real or trusted." Similar to Yelp, TripAdvisor had made claims such as "Reviews you can trust", "... read reviews from real travellers", "TripAdvisor offers trusted advice from real travellers" and "More than 50 million honest travel reviews and opinions from real travellers around the world." Nevertheless, TripAdvisor (like every other review website) had fake reviews on its site. UK law differs from US law, but the net effect may be the same. Unless a review website can ensure that all of its user reviews are legit—which no review website can do—it faces some risk self-promoting the veracity of its users' reviews.

[Note: I own a small number of shares in TripAdvisor.]

*Will Yelp have to disclose its filter algorithm?*

Many plaintiffs would love to inspect Yelp's filtering algorithm closely. The opinion says that Demetriades doesn't seek to "obtain information on the mechanics of the filter." However, the filter's efficacy is being questioned, which inherently raises questions about exactly what the filter does and doesn't do. If Yelp's filtering algorithm is potentially discoverable in the case, the case's stakes will go up a lot. If Demetriades can get a court to order Yelp to disclose the algorithm to him, expect Yelp to settle, even if on unfavorable terms.

**Case citation:** Demetriades v. Yelp, Inc., 2014 WL 3661491 (Cal. App. Ct. July 24, 2014)

**RECOMMENDED BY FORBES**

Yelp Defeats Legal Challenge to Its User Review Filter

TripAdvisor's "Dirtiest Hotels" Ranking Makes the Grade in Court

Building Owner Can't Discover the Identity of Tenant Who Writes Bashing Yelp...

Barbie's New Look

This article is available online at: <http://onforb.es/1IdnOsH>

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# **EXHIBIT C**





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## Yelp lied about review policies to inflate stock price, lawsuit claims

by [Jeff Roberts \(https://gigaom.com/author/jeffjohnroberts/\)](https://gigaom.com/author/jeffjohnroberts/) Aug 6, 2014 - 5:57 PM PST



*Credit: Flickr / roboppy*

Yelp(s yelp), a site that lets consumers post reviews of local businesses, allowed fake negative reviews to remain on its website in order to extract advertising money from local businesses, according to a class action complaint filed Wednesday in San Francisco.

The lawsuit was filed on behalf of Yelp shareholders by Joseph Curry, who claims that the

company's executives misled investors about its business practices in order to inflate Yelp's stock price.

Specifically, Curry claims that Yelp used press releases and financial statements to tout its quality "first hand reviews" as well as its algorithms that screened out unreliable postings; however, Curry claims that in reality:

*Algorithms purportedly designed to screen unreliable reviews did not comprehensively do so, and instead, the Company allowed such unreliable reviews to remain prominent while the Company tried to sell services designed to suppress negative reviews or make them go away; and*

A Yelp spokesperson said the company has not seen the complaint, but that it believes the allegations are false and without merit.

Yelp has faced allegations about its sales tactics in the past from small businesses upset about negative reviews. The complaint, however, does not cite any specific smoking guns, but instead relies primarily on news accounts, and points to a series of complaints lodged with the Federal Trade Commission. As such, Curry's allegations remain unproven.

The complaint alleges Yelp violated securities law by committing "fraud on the market," and claims that executive sold stock when the price was near a high of almost \$90 in February; the price fell sharply shortly after this in light of the negative publicity surrounding the FTC complaints.

More details about Yelp's advertising practices — including whether or not it manipulates reviews — will likely come out in the litigation process, provided the class action complaint gets traction.

Here's a copy of the complaint with some relevant parts underlined:

Curry v Yelp (<http://www.scribd.com/doc/236094666/Curry-v-Yelp>)



Gigaom Yelp lied about review policies to inflate stock price, lawsuit... <https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comments>

[protected-iframe id="d5ca7b2d139bff06d5efe54adf0e0a64-14960843-34118173" info="//www.scribd.com/embeds/236094666/content?start\_page=1&view\_mode=scroll&show\_recommendations=true" width="100%" height="600" frameborder="0" scrolling="no"]

## TAGS

[class action \(https://gigaom.com/tag/class-action/\)](https://gigaom.com/tag/class-action/) [curry v yelp \(https://gigaom.com/tag/curry-v-yelp/\)](https://gigaom.com/tag/curry-v-yelp/)  
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[Apple must answer for missing text messages, judge rules \(https://gigaom.com/2014/11/11/apple-must-answer-for-missing-text-messages-judge-rules/\)](https://gigaom.com/2014/11/11/apple-must-answer-for-missing-text-messages-judge-rules/)



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[Give Yourself 5 Stars? Online, It Might Cost You \(https://gigaom.com/2013/09/23/give-yourself-5-stars-online-it-might-cost-you/\)](https://gigaom.com/2013/09/23/give-yourself-5-stars-online-it-might-cost-you/)

**12 COMMENTS** (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comments>)



**Bilingual DJ & MC**

October 20th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1491739>)

YELP is similar to the Better Business Bureau (BBB.org), which will not allow you a A rating or higher, if you are not BBB accredited, which means you haven't paid their yearly dues. YELP has blocked more than half of my positive reviews, since I haven't paid them as well.

It's unfortunate, but YELP could be a great tool, if it were honest about it's review process, same as the BBB which many people think of as a government agency (actually a private business) which has no enforcement capabilities, if ever needed.



**kokikaiboston** (<http://kokikaiboston.wordpress.com>)

October 11th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1490405>)

Yelp is a fraud



**TC**

August 12th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1475947>)

I have had the opposite problem. I wrote an honest negative review on Yelp about the builder who built my house and Yelp deleted most likely after taking advertising money from the builder.

There are several people who have had issues with the same builder and have written reviews on yelp. All got deleted. Seems odd.



**Lenny Kubricky**

August 7th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1475461>)

Yelp is OK ?, but if you look for some "higher end " restaurant it's no sense. Caps in SF get a very similar bad reviews , but the place is great!! More over when you go to more similar venues with similar bad reviews you will see the pattern. It is mafia advertising. get rid off the sh..t head. MAFIA!!!!!!!!!!!!



**lisa**

August 7th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1475361>)

Now that YELP is a public company, Yelp needs to allow companies to 'opt out' of their money making scheme. Yelp is using my business to generate profits without my consent.

I, as an owner of a small business, I would opt out in a second. The value of Yelp is equivalent to garbage, in my book. My business, as do most small businesses, rely heavily on the more genuine means of advertising – word of mouth. I can't believe the SEC allowed yelp to go public given their suspect 'filtering' software. It only gives naysayers an opportunity to vent -customers that are happy seldom take the time (who has extra time for reviewing every vendor they do business with these days).



David

August 7th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1475467>)

Fight back Lisa! It sucks that you have to but you should. We put in a private feedback program at our restaurant and told the Yelp ad guys to never call us again. It took a while but now every time a customer has a complaint, they come to us directly. It's the reality now and it's up to us as business owners to fight this.



aNDY

August 17th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1476675>)

Just to let you know....Word of Mouth is NOT advertising. Yelp is fine the way it is, if you are mad at filtering....be mad at Google for the search algorithm for not putting you higher up as well...



Paul Cofrancesco

August 6th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1475320>)

Nice work! As an early adopter of Yelp (and Amazon.com and many other "review sites) I can say the service is fraught with problems:

In the beginning (2007):

when I mentioned Yelp no one heard of it including the business I was reviewing, so no one cared what you wrote but once the service got popular and businesses saw that customers were using it the fake reviews came on – fast and furious.

1. FAKE reviews!! both positive and negative. You get 5 stars or 1 star! Yelp is packed with them and so is amazon and other sites. This year I complained about fake negative reviews concerning a local junkyard that I go to and I flagged several for removal and Yelp removed 3 out 4.

2. Intimidation and coercion and bribery:

I wrote a review about and experience I had with an \$18 salad (with no meat or fish – I'm vegetarian) and the owner contacted me and pleaded that it would hurt his business and the economy was down etc. I said I would soften the review and essentially render it neutral – not positive not negative. After I updated the review sent me a nasty email that was much angrier than the first so I reverted to the original review. He then tried to bribe or ply me with free food which I would not accept.

Yelp's trustworthiness is fading fast:

Gigaom Yelp lied about review policies to inflate stock price, lawsuit... <https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-in...>

I found it odd when I logged on and saw a message that negative reviews can't be removed. I know that is not true because one of my early reviews "disappeared" and yelp could not explain why.

A small business told me that 50% of there customers were coming from Yelp.

What about fake positive reviews. I read a review on Yelp where all the reviews were 5 stars and a customer was fooled (because she was clearly not aware of fake positive reviews).

Yelp will fail once they run out of money so it is critical to to unload the stock as quickly as possible. 5 Billion dollar current valuation – with no plan to generate income?

Personally, I hardly write reviews on Yelp anymore because it is a waste of time – it just gets buried in an ever growing pile of reviews.



Ric

August 7th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1475385>)

Waste of time = enough said and I wait for someone to get this right before I bother again.



David

August 7th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1475468>)

John from above is right. Lawsuits will not help. Yelp will beat them. What Yelp really should worry about is people like Paul who stop writing reviews. Already 25% of reviews are filtered because Yelp thinks they are suspicious. At some point, more consumers will lose trust like Paul. Maybe someone else will come along that users will trust and owners will hate. Google has reviews and so does Facebook but you hear less complaints about them because they don't use the same aggressive sales practices. But really how do we know how many of those reviews are real?



DL Kimzey

August 6th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1475310>)

Extortion / Libel / Unfair Business Practice

Two lawsuits now in the 9th Circuit Court San Francisco

Levitt v. Yelp Inc. – Class Action – 11 – 17676

Kimzey v. Yelp Inc. — Individual — 14 — 35487



John Jay

August 6th, 2014 (<https://gigaom.com/2014/08/06/yelp-lied-about-review-policies-to-inflate-stock-price-lawsuit-claims/#comment-1475287>)


This has already been tried within the bounds of the FTC and failed to prove anything during litigation. So there's no new evidence or findings this case...why is this time different again?


As far as the stock sales, those are on a predetermined schedule so unless the executive(s) had a crystal ball at IPO it's near impossible to plan a sale before an event like a lawsuit being filed.

Comments are closed.



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# EXHIBIT D

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**Word Mark** CHILDHOOD LEUKEMIA FOUNDATION

**Goods and Services** (CANCELLED) IC 036. US 100 101 102. G & S: Charitable Fund Raising Services. FIRST USE: 19950815. FIRST USE IN COMMERCE: 19950815

(CANCELLED) IC 041. US 100 101 107. G & S: Special events services in the nature of conducting and arranging field trips and arranging ticket reservations for shows and other entertainment events

(CANCELLED) IC 042. US 100 101. G & S: Special events services in the nature of customized gift packages containing holiday toys. FIRST USE: 19950815. FIRST USE IN COMMERCE: 19950815

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 01.17.08 - Maps of the United States; United States, maps of  
 02.01.31 - Men, stylized, including men depicted in caricature form  
 02.05.05 - Boys; Children, boy(s)  
 02.05.24 - Stylized children, including children depicted in caricature form  
 03.21.01 - Caduceus; Serpent and staff (caduceus)

**Serial Number** 75294421

**Filing Date** May 19, 1997

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** April 7, 1998

**Registration** 2169459

12/16/2015

Trademark Electronic Search System (TESS)

**Number****Registration  
Date** June 30, 1998**Owner** (REGISTRANT) Childhood Leukemia Foundation, Inc. CORPORATION NEW JERSEY 927 Ridge Road  
Brick NEW JERSEY 08724**Attorney of  
Record** MARK J DISKIN**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CHILDREN'S" "LEUKEMIA" and  
"FOUNDATION" APART FROM THE MARK AS SHOWN**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead  
Indicator** DEAD**Cancellation  
Date** April 2, 2005[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE/DIGIT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [BUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



# **EXHIBIT E**



Friends of Children's Leukemia Foundation of Michigan

Michigan Attorney General, Bill Schuette, announced last week that he has ordered a New Jersey based organization to stop making harassing phone calls to Michigan residents. This national organization has a name very similar to ours: "Childhood Leukemia Foundation". Indeed, this organization uses our registered trademark—"CLF"—in communications and on its website. The use of our "CLF" trademark is not only confusing to our many supporters and generous donors, but also it is a violation of federal trademark law. In response, and to protect the good name of CLF, we have engaged volunteer legal support to take the necessary steps to stop this organization's illegal use of our name.

As we've said before, Children's Leukemia Foundation of Michigan is a Michigan-based foundation that serves local families right here in our state, and that we have no affiliation to this organization or to any organization with similar names to ours in other states.

We are proud and honored to continue the legacy of our founders, who were a group of local parents, that had each suffered the loss of a child due to leukemia. Since our founding in 1952, we've helped thousands of families fight life-threatening illnesses and have been able to expand to help those in need across the entire state of Michigan. Currently, 82 cents of every dollar raised is put into disease and treatment education, case management, emotional support and financial assistance to families battling blood diseases. All funds raised are used right here in our local communities.

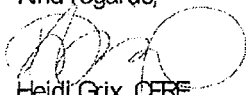
Our strong reputation is built on the foundation of these programs and we could not have done it without the relationships we've cultivated in the communities we serve. This includes you. You have seen first-hand the hard work and volunteer power that is put into all of our programs and activities. It's this hard work that ensures our support to the community and our fiscal stability. Fortunately, Children's Leukemia Foundation of Michigan does not solicit funds by phone.

"Michigan citizens have generous hearts and are inclined to give—especially to charities for kids," Attorney General Bill Schuette said. "But unfortunately, there are bad apples who take advantage of this giving spirit with false filings, misleading or harassing solicitations and fundraising conflicts that take 80 to 90 percent of each donation."

We could not agree more. At Children's Leukemia Foundation of Michigan, our integrity and your trust are among our utmost priorities. Before choosing an organization to support, we encourage you to take some steps to protect yourself and to make sure your money is going where you want it. Do your research! We encourage donors to look into the organization, its leadership, its background and its reputation. Look into how the organization is spending its donations and decide where your best investment might be.

If have any questions or concerns, I encourage you to contact me directly at 248.530.3001 or [hgrix@leukemiamichigan.org](mailto:hgrix@leukemiamichigan.org).

Kind regards,

  
Heidi Grix, CFE  
President

# **EXHIBIT F**



Date: 1/19/2016

Complaint Received By: Becky Howland

Nature of Complaint: ☒ Phone Solicitation

☐ Other Click here to enter text.

#### Complainant Information

Name: Edward

Address: Click here to enter text.

City: Click here to enter text. State: Click here to enter text Zip: o enter text.

Phone: [REDACTED] Email: Click here to enter text.

Details: Edward received multiple calls from an organization identifying themselves as Children's Leukemia Foundation. He asked to be put on the "do not call list" but they continue to call him. The organization calls at night and on weekends. He has no money to donate. He said 1 of the organization's phone numbers comes up as Brighton and the other as Royal Oak. 248-429-4201 was the last phone number he received a call from.

What organization name did they use? Children's Leukemia Foundation

Where did they say they were located?

Did you get a form or letter we may get a copy of?

Would you like to have our President call you to further discuss this matter?

☐ Yes ☐ No

***If yes, Please provide a copy of this form to Heidi.***